

Message

From: Dinkins, Darlene [Dinkins.Darlene@epa.gov]
Sent: 3/21/2019 9:26:41 PM
To: Keigwin, Richard [Keigwin.Richard@epa.gov]
CC: Sisco, Debby [Sisco.Debby@epa.gov]
Subject: FW: Press inquiry - 24(c) questions

Rick,

See below for the response to this 24(c) press inquiry. OGC cleared it.

Ex. 5 Deliberative Process (DP)

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Darlene Dinkins

Office of Pesticide Programs
U.S. Environmental Protection Agency
(703) 305-5214

From: Chiu, Enid
Sent: Thursday, March 21, 2019 2:35 PM
To: Siedschlag, Gregory <Siedschlag.Gregory@epa.gov>; Han, Kaythi <Han.Kaythi@epa.gov>
Subject: FW: Press inquiry - 24(c) questions
Importance: High

Hi Greg and Kaythi,

Below is the response to this 24(c) press inquiry, approved by Donna Davis. Donna made some changes that still need the final ok from OGC, but considering most of this text is from the announcement, I wanted to keep things moving concurrently.

Please review and comment as soon as possible. We want to get this to Linda by COB today. Thank you!

—

Enid Chiu
Communication Services Branch
Office of Pesticide Programs
U.S. Environmental Protection Agency
(703) 347-8262 | chiu.enid@epa.gov
<https://www.epa.gov/pesticides>

From: Davis, Donna
Sent: Thursday, March 21, 2019 2:31 PM
To: Chiu, Enid <Chiu.Enid@epa.gov>
Cc: Goodis, Michael <Goodis.Michael@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Davis, Kable <Davis.Kable@epa.gov>; Han, Kaythi <Han.Kaythi@epa.gov>; Perlis, Robert <Perlis.Robert@epa.gov>
Subject: RE: Press inquiry - 24(c) questions

This looks good Enid, you can move it forward.

From: Chiu, Enid

Sent: Thursday, March 21, 2019 2:29 PM

To: Davis, Donna <Davis.Donna@epa.gov>

Cc: Goodis, Michael <Goodis.Michael@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Davis, Kable <Davis.Kable@epa.gov>; Han, Kaythi <Han.Kaythi@epa.gov>; Perlis, Robert <Perlis.Robert@epa.gov>

Subject: RE: Press inquiry - 24(c) questions

Importance: High

Hi Donna,

Based on your comments from the previous press inquiry, I have edited the responses to this inquiry to reflect more of the text from the announcement. Please review as soon as possible. Thank you!

Some questions for EPA, in light of this recent statement: “Due to the fact that section 24(a) allows states to regulate the use of any federally registered pesticide, and the fact that some states have instead used 24(c) to implement cut-off dates (and/or impose other restrictions), EPA is now re-evaluating its approach to reviewing 24(c) requests and the circumstances under which it will exercise its authority to disapprove those requests. Before making any changes in this regard, EPA intends to take public comment on any potential new approaches before adopting them.”

1. **Why is EPA suddenly concerned about states using 24(c) to restrict federal labels? Is this a new phenomenon directly related to the 2016 and 2018 dicamba labels? What percentage of those annual 300 24(c) applications were more restrictive than federal labels before 2016? And then after 2016?**

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2. Does EPA think states are restricting dicamba use by 24(c) unnecessarily?

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3. If this use of 24(c) is no longer permitted, will states have any other options to restrict pesticide use in their state, other than simply not registering a pesticide for use in the state at all?

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4. What role have dicamba manufacturers played in this re-evaluation of 24(c) restrictions in states? Has EPA received requests from BASF, Bayer (Monsanto) or Corteva to limit state use of 24(c)?

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Enid Chiu

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From: Chiu, Enid

Sent: Thursday, March 21, 2019 1:35 PM

To: Davis, Donna <Davis.Donna@epa.gov>

Cc: Goodis, Michael <Goodis.Michael@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Davis, Kable <Davis.Kable@epa.gov>; Kaythi Han (<Han.Kaythi@epa.gov> <Han.Kaythi@epa.gov>

Subject: FW: Press inquiry - 24(c) questions

Importance: High

Hi Donna,

Another press inquiry on 24(c) for your review, approved by OGC, MUERB, and HB. Please review by 3:30pm today. Thank you!

Some questions for EPA, in light of this recent statement: "Due to the fact that section 24(a) allows states to regulate the use of any federally registered pesticide, and the fact that some states have instead used 24(c) to implement cut-off dates (and/or impose other restrictions), EPA is now re-evaluating its approach to reviewing 24(c) requests and the circumstances under which it will exercise its authority to disapprove those requests. Before making any changes in this regard, EPA intends to take public comment on any potential new approaches before adopting them."

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From: Daguillard, Robert
Sent: Wednesday, March 20, 2019 12:01 PM
To: Strauss, Linda <Strauss.Linda@epa.gov>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>; Siedschlag, Gregory <Siedschlag.Gregory@epa.gov>; Sisco, Debby <Sisco.Debby@epa.gov>; Han, Kaythi <Han.Kaythi@epa.gov>; Dinkins, Darlene <Dinkins.Darlene@epa.gov>
Subject: LINDA/OPP: DTN - 24(c) questions

DTN
EMILY UNGLESBEE
DDL COB.

Good morning team,

Let me know if you need anything else.

Cheers, R.

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Hi Robert, some questions for EPA, in light of this recent statement: "Due to the fact that section 24(a) allows states to regulate the use of any federally registered pesticide, and the fact that some states have instead used 24(c) to implement cut-off dates (and/or impose other restrictions), EPA is now re-evaluating its approach to reviewing 24(c) requests and the circumstances under which it will exercise its authority to disapprove those requests. Before making any changes in this regard, EPA intends to take public comment on any potential new approaches before adopting them."

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3. If this use of 24(c) is no longer permitted, will states have any other options to restrict pesticide use in their state, other than simply not registering a pesticide for use in the state at all?
4. What role have dicamba manufacturers played in this re-evaluation of 24(c) restrictions in states? Has EPA received requests from BASF, Bayer (Monsanto) or Corteva to limit state use of 24(c)?

Story will be published tomorrow. Thanks.

Emily Unglesbee
Staff Reporter, DTN/The Progressive Farmer

DTN
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